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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,020	02/27/2002	Mohamad Deeb Shalati	ACO 6203 US	8255

7590 07/05/2005

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EXAMINER
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KEEHAN, CHRISTOPHER M

ART UNIT	PAPER NUMBER
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1712

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/086,020

Applicant(s)

SHALATI ET AL.

Examiner

Christopher M. Keehan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-13,15-24 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,7,10-12,18,19,22,23 and 28 is/are rejected.
- 7) ☒ Claim(s) 5,6,8,9,13,15-17,20,21,24,26 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Examiner's Comments***

In the previous office action, claims 2, 5, 6, 8, 9, 11, 13-17, 20, 21, and 23-27 were indicated as containing allowable subject matter. However, upon further searching, it appears that prior art can be applied. Therefore, these claims have been treated as set forth below. The examiner regrets any inconvenience this might have caused applicant.

#### ***Claim Rejections - 35 USC § 103***

Claims 1, 3, 4, 7, 10, 11, 12, 18, 19, 22, 23 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumada et al. (JP 62-181319) in view of Noguchi et al. (5,578,418). Regarding claims 1, 3, 4, 7, 11, 12, 18, 19, 23 and 28, Kumada et al. disclose a reactive non-isocyanate composition prepared by mixing oligomeric or polymeric epoxy, tertiary amine, oligomeric or polymeric cyclic anhydride, wherein the tertiary amine functional compound is oligomeric or polymeric, and a hydroxyl-functional compound (Abstract). Kumada et al. do not appear to specifically disclose a polymeric or oligomeric tertiary amine. Noguchi et al. disclose a coating composition comprising an epoxy resin (col.5, lines 49-50) and an acrylate copolymer based on dimethylaminoethyl methacrylate (col.5, lines 30-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have

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used the acrylate copolymer based on dimethylaminoethyl methacrylate as taught by Noguchi et al. in the composition of Kumada et al. because Noguchi et al. teach that using such a copolymer in composition with an epoxy resin produces a cured coating with no lowering in strength or change in dimensions in the product, resulting in a higher quality product.

Regarding claims 10 and 22, Kumada et al. disclose a solvent-borne composition (partial oral spot translation, page 4, lower right column).

### ***Allowable Subject Matter***

Claims 5, 6, 8, 9, 13, 15-17, 20, 21, 24, 26 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. A search of the prior art of record failed to reveal the limitations as claimed. An oral spot translation did not reveal the above claims limitations. Shalati et al. (6,235,846 B1 and 5,580,926) do not disclose an oligomeric or polymeric tertiary amine. Ooka et al. (JP 56-092911) do not disclose an oligomeric or polymeric tertiary amine. Barsotti et al. (6,146,703) do not disclose an oligomeric or polymeric tertiary amine.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Keehan whose telephone number is

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(571) 272-1087. The examiner can normally be reached on Monday-Friday, from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Keehan



DAVID J. BUTTNER  
PRIMARY EXAMINER

June 28, 1005

